

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MICHAEL P. SEELY, an individual,

Plaintiff,

v.

CUMBERLAND PACKING CORP., a New
York corporation,

Defendant.

Case No.: 10-CV-02019-LHK

ORDER REGARDING ADDITIONAL
INFORMATION TO BE SUBMITTED
BY DEFENDANT

In this false patent marking case, Defendant Cumberland has moved to transfer the case to the Eastern District of New York. *See* Motion (Dkt. No. 10). In support of this motion, Cumberland submitted a declaration by Steven Isaacs, Cumberland's controller. Isaacs Decl. ISO Motion (Dkt. No. 12). Mr. Isaacs declares that much of Cumberland's operations and workforce are located in or near Brooklyn, New York. Mr. Isaacs declares that Cumberland employs a head of sales, Robert Bowen, who works from his home in Monarch Beach, California. Mr. Isaacs declares that "to the best of my knowledge and belief, Mr. Bowen did not take part in any of the decisions that may be relevant to the allegations in the complaint," and that "[t]o the best of my knowledge and belief, all decisions relating to the sale, advertising, and promotion of Cumberland's products, including Sweet 'N Low brand sweeteners, originate with officers, managers and employees located in Brooklyn, with the exception of those decisions in which Mr. Bowen participates."

1 By Tuesday, December 14, 2010, Cumberland shall submit a supplemental declaration or
2 declarations. These declarations shall include the following information, stated on the basis of
3 personal knowledge (rather than on information and belief):

- 4 1. The names, Cumberland employment status, and geographic location of the employees,
5 officers, and managers, or former employees, officers, and managers who participate or
6 have participated in decisions regarding placement of the 3,625,711 patent number on
7 Sweet 'N Low packaging
- 8 2. Whether or not Mr. Bowen participates in the decisions described above, and if so, a brief
9 description of his involvement
- 10 3. Identification (including name, Cumberland employment status, and geographic location)
11 of any other witness known to Cumberland with personal knowledge about decisions
12 regarding placement of the 3,625,711 patent number on Sweet 'N Low packaging

13 The law and motion hearing remains as set on December 16, 2010 pending any further
14 Order of this Court.

15 **IT IS SO ORDERED.**

16 Dated: December 8, 2010


LUCY H. KOH
United States District Judge